

MONTGOMERY COUNTY CLERK

HELEN A BARTONE

Receipt

Receipt Date: 12/19/2016 02:25:21 PM

RECEIPT # 2016231486

Recording Clerk: AM

Cash Drawer: CASH6

Rec'd Frm: UNITED STATE ENVIRONMENT

PROTECTION AGENCY - REGION 2

Rec'd By Mail

Instr#: 2016-70839

DOC: NOTICE OF ENVIRONMENTAL LIEN

OR Party: UNITED STATES OF AMERICA

EE Party: TD DEVELOPMENT INC

Recording Fees

Cover Page	\$0.00
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Recording Fee	\$0.00
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Cultural Ed	\$0.00
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Records Management - County	\$0.00
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Records Management - State	\$0.00
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DOCUMENT TOTAL: ---->	\$0.00
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Receipt Summary

TOTAL RECEIPT: ---->	\$0.00
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TOTAL RECEIVED: ---->	\$0.00
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CASH BACK: ---->	\$0.00
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 Broadway

New York, New York 10007-1866

RECEIVED
MONTGOMERY COUNTY

16 DEC 19 PM 2:28

CLERK'S OFFICE
FONDA, NEW YORK

NOTICE OF FEDERAL LIEN

NOTICE IS HEREBY GIVEN by the United States of America that it holds a lien upon the real property described below, as provided by Section 107(l) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(l). T D Development Inc., as owner of said real property, was provided with notice of its potential liability under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), via certified mail as required by Section 107(l)(2) of CERCLA, 42 U.S.C. § 9607(l)(2). The lien for which this instrument gives notice exists in favor of the United States upon said real property, and all rights to said property, which belong to T D Development Inc., and which are, have been, or will be subject to or affected by removal or remedial action as those terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601.

This lien applies to real property with an address of 68-102 Church Street, Village of Canajoharie, Montgomery County, New York, which is identified by Montgomery County as tax parcel No. 63.14-1-9.1, contained within Montgomery County Instrument No. 2015-60786, displayed on the attached tax map of said parcel (*see* "Exhibit A"), and is more particularly described as follows:

Parcel I:

All that piece or parcel of land, situate, lying and being in the Village of Canajoharie, County of Montgomery and State of New York, bounded and described as follows:

Beginning at a point in the easterly margin of Church Street where the east margin of Church Street intersects the northerly margin of Canal Street, said point of beginning also being the southwesterly corner of lands conveyed by the Village of Canajoharie to Beech-Nut Life Savers, Inc., by deed dated January 2, 1957, and recorded in the Montgomery County Clerk's Office in Book 304 of Deeds at Page 324, and running thence N. 13° 53' E. along the easterly margin of Church Street for a distance of 272.32 feet to a point; thence continuing along the easterly margin of Church Street N. 19° 54' E. for a distance of 22.67 feet to a point; thence N. 14° 04' E. along said Church Street for a distance of 146.08 feet to a point; thence N. 15° 19' E. along the said easterly margin of Church Street for a distance of 129.89 feet to a point where the easterly margin of Church Street intersects the southerly margin of Market Street; thence running along the southerly margin of Market Street for the following courses: S. 88° 26' E., 44.00 feet, S. 80° 24' E., 46.00 feet, S. 76° 50' E., 264.15 feet and S. 77° 58' 23" E. for a distance of 173.26 feet to a point marking the northwest corner of lands conveyed by Beech-Nut Foods Corporation to the Village of Canajoharie by Deed dated October 19, 1977, and recorded in the Montgomery County Clerk's Office in Book 417 of Deeds at Page 4; thence S. 17° 23' 17" W. along the west line of said lands of the Village of Canajoharie for a distance of 74.75 feet to a point marking the southwest corner of said lands of the Village of Canajoharie; thence S. 73° 12' 23" E. for a distance of 135.12 feet to an existing iron pipe marking the southeast corner of said lands of the Village of Canajoharie; thence N. 05° 45' 49" W. along the east line of the Village's lands for a distance of 98.04 feet to an existing iron pipe; thence N. 78° 27' 02" W. for a distance of 20.92 feet to a point; thence N. 12° 09' 00" E. for a

distance of 64.11 feet to a point; thence N. 08° 03' 33" E. for a distance of 58.00 feet to a point; thence running S. 81° 39' 28" E. along lands of the State of New York for a distance of 54.00 feet to a point; thence S. 77° 36' 35" E. for a distance of 213.93 feet to a canal monument; thence running along a curve to the right having a radius of 3973 feet and a length of 727.28 feet to a point; thence S. 68° 54' 10" E. continuing along lands of the State of New York on the north for a distance of 481.26 feet to a point, last line passing over a canal monument at a distance of 402.89 feet; thence running along a curve to the right having a radius of 140 feet and a length of 372.53 feet to a point; thence running N. 72° 45' W. along lands owned by the State of New York on the south for a distance of 879.12 feet to a point; (last described line passing over an existing Canal Monument at 124.06 feet) thence S. 19° 11' W. along lands of the State of New York on the east for a distance of 198.70 feet to an existing concrete highway monument; thence S. 33° 30' W. for a distance of 61.30 feet to a point; thence S. 14° 52' W. along lands of the State of New York on the east for a distance of 247.00 feet to a point in the northerly margin of New York State Highway Route 5S; thence running in a general westerly direction for the following courses along the said northerly margin of Route 5S; N. 86° 24' W., 36.75 feet, N. 81° 21' W., 338.09 feet, N. 79° 58' W., 89.43 feet, N. 78° 40' W., 80.19 feet, N. 77° 18' W., 277.69 feet, and N. 75° 54' W. for a distance of 273.60 feet to a point in the easterly margin of an alley just east of the "Kelly Block"; thence N. 13° 55' E. for a distance of 122.87 feet along the said easterly margin of said alley to a point; thence S. 89° 30' W. for a distance of 12.25 feet to a point; thence N. 73° 55' W. along the northerly margin of Canal Street for a distance of 78.80 feet to the point or place of beginning.

Parcel III:

All that certain piece or parcel of land, lying situate and being on the easterly side of Church Street, also known as New York State Route 10, in the Village and Town of Canajoharie, County of Montgomery and State of New York, bounded and described as follows:

Commencing at a point at the southwesterly corner of the lands herein described and on the easterly side of the said Church Street in distance 24.4 feet from the centerline of the traveled track thereof; said point being 1.22 feet westerly from PK Nail set 2/04 in pavement on northerly side of a concrete walk located on the southerly end of the said Canal Street and on the northerly side of the brick building known as the "Kelly Block"; said PK Nail being North 15° 13' East 7.9 feet from the northwesterly corner of the said Kelly Block; Said first mentioned point being the Point of Beginning of the lands herein described; thence leaving said point

North 13° 53' East 16.21 feet along the easterly side of the said Church Street to a point on the easterly side thereof in distance 24.4 feet from the centerline of the traveled track thereof at the northwesterly corner of the lands herein described; thence leaving said point on the following two (2) bearings and distances along the lands now or formerly of the said Beech-Nut Nutrition Corp. 589/193 (304/324)

South 73° 55' East 78.80 feet to a point; and

North 89° 30' East 12.25 feet to a point at the northeasterly corner of the lands herein described; thence leaving said point

South 13° 55' West 18.52 feet continuing along the lands of the said Beech-Nut Nutrition Corp. to a PK Nail set in the ground 2/04 at the southeasterly corner of the lands herein described; thence leaving said PK Nail

North 76° 18' West 63.92 feet through the said Canal Street and partially along the said walk on the northerly side of the said Kelly Block (now or formerly of Canajoharie 2000, Inc. 656/347) to a Railroad Spike set 2/04 at the base of a ramp in the said walk; thence leaving said Railroad Spike on the following Two (2) bearings and distances continuing through the said Canal Street and along the northerly side of the said walk

North 64° 14' West 10.62 feet to a PK Nail set 2/04; and

North 75° 01' West 16.28 feet passing through the first above mentioned PK Nail set 1.22 feet from the point of beginning to the point or place of beginning.

Parcel III being the same premises conveyed to the Grantor therein by Deed dated March 11, 2004 and recorded in the Montgomery County Clerk's Office on March 25, 2004 in Liber 734 of Deeds at page 84.

Excepting and reserving from the premises conveyed herein:

All that certain lot, piece or parcel of land lying, situate and being on the northerly side of East Main Street, also known as NYS Route 5S, in the Village and Town of Canajoharie, County of Montgomery, State of New York bounded and described as follows:

Commencing at a PK nail set 2/04 on the northerly side of the walk along the northerly side of the said East Main Street at the southwesterly corner of the lands herein described and 0.6' westerly from the southwesterly corner of the "Gum Building" located on the lands herein described; said PK nail being 24.7' perpendicular from the centerline of the traveled track of the said East Main Street; Said PK Nail being the Point of Beginning of the lands herein described; thence leaving said PK nail North 13° 55' East 99.10 Feet along the lands now or formerly of Canajoharie 2000, Inc. 656/347 running 0.6' westerly of the said "Gum Building" located on the lands herein described and along the easterly side of an alley leading from the said East Main Street to Canal Street, to a PK Nail set 2/04 at the northwesterly corner of the lands herein described; thence leaving said PK Nail

South 75° 53' East 147.83 feet along the remaining lands of the said Beech-Nut Nutrition Corp. and running along the northerly face of the said "Gum Building" to a cabin spike set 2/04 in the ground at the base of the northeasterly corner thereof; said cabin spike being at the northeasterly corner of the lands herein described; leaving said cabin spike

South 14° 05' West 99.07 feet along the remaining lands of the said Beech-Nut Nutrition Corporation being along the easterly face of the said "Gum Building" to a PK Nail set 2/04 in the ground at the southeasterly corner of the main building and on the northerly side of the said walk along East Main Street in distance 24.7' from the centerline of the traveled track thereof, at the southeasterly corner of the lands herein described; thence leaving said PK Nail

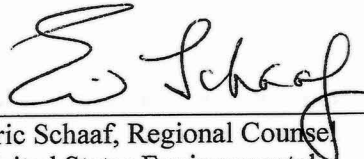
North 75° 54' West 147.54 feet along the northerly side of the said walk and being essentially along the southerly face of the said "Gum Building" to the point or place of beginning.

Being the same premises conveyed by the Grantor therein to the Village of Canajoharie by Deed dated March 11, 2004 and recorded in the Montgomery County Clerk's Office on March 12, 2004 in Liber 733 of Deeds at Page 283.

This statutory lien secures the repayment of all response costs for which T D Development Inc. is liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), at and relating to the above-described parcel(s) of property. This statutory lien exists and continues until the liability for such costs is satisfied or becomes unenforceable through the operation of the statute of limitations in Section 113 of CERCLA, 42 U.S.C. § 9613.


IN WITNESS WHEREOF, the United States has caused this instrument to be executed through the United States Environmental Protection Agency, and its attorney, in his official capacity as Regional Counsel of the United States Environmental Protection Agency, Region 2.

Signed in New York, New York on this 14th day of December, 2016.

By: 
Eric Schaaf, Regional Counsel
United States Environmental
Protection Agency, Region 2
290 Broadway
New York, New York 10007

State of New York)
)
County of New York) ss:

On this 14th day of December, 2016, before me, the subscriber, personally appeared Eric Schaaf, Regional Counsel of the United States Environmental Protection Agency, Region 2, to me personally known to be the same person described in and who executed the within NOTICE OF FEDERAL LIEN, and he acknowledged to me that he executed the same as such Regional Counsel as aforesaid for the purpose therein mentioned.


Notary Public
State of New York
My Commission Expires: August 31, 2017

MICHAEL A MINTZER
Notary Public, State of New York
No. 02MI272505
Qualified in New York County
Commission Expires August 31, 2017

Exhibit “A”

